

RCE/\$\$
PTO/SB/30 (08-00)Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|-------------------|
| Application Number | 09/250,056 |
| Filing Date | February 12, 1999 |
| First Named Inventor | James D. Marks |
| Group Art Unit | 1642 |
| Examiner Name | Larry R. Helms |
| Attorney Docket Number | 407J-895030US |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Copy of Expert Declaration and accompanying CV filed April 30, 2004

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

 The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0893
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 08/11/2004 BABRAHA1 00000078 500893 09250056
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:1801 770.00 DA
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|------------------------------|-----------------------------------|----------|
| Name (Print/Type) | Angela P. Horne, Ph.D. | Registration No. (Attorney/Agent) | 41,079 |
| Signature | <i>Angela P. Horne Ph.D.</i> | Date | 8/5/2004 |

CERTIFICATE OF MAILING OR TRANSMISSION.

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:
Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date: 8-5-2004

| | | | |
|-------------------|---------------------|------|----------------|
| Name (Print/Type) | Evelyn Gomez | Date | August 5, 2004 |
| Signature | <i>Evelyn Gomez</i> | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: Evelyn Gomez
Evelyn Gomez

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|-----------------|---|------------------------|-----------------------|
| Appl. No. | : | 09/250,056 | Confirmation No. 1642 |
| Applicant | : | James D. Marks, et al. | |
| Filed | : | February 12, 1999 | |
| TC/A.U. | : | 1642 | |
| Examiner | : | Larry R. Helms | |
| | | | |
| Docket No. | : | 407J-895030US | |
| Customer No. | : | 22798 | |
| Client Ref No.: | : | 98-232-4 | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REQUEST FOR RECONSIDERATION

Sir:

In response to the Notice of Appeal received by the Patent Office on May 5, 2004 and the subsequent Advisory Action mailed June 8, 2004, Applicants herewith submit a Request for Continued Examination, Amendment, and Information Disclosure Statement with accompanying Form 1449. Applicants respectfully request that the Examiner consider the application in light of the amendments and remarks below.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 6 of this paper.

Remarks/Arguments begin on page 11 of this paper.